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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:		) Attorney Docket: 32355.12.1.3.2				
	Jeffrey C. Felt et al.	) Group Art Unit: 3732				
Serial	No.: 10/722,019	)				
Filed:	24 November 2003	)				
For:	METHOD AND SYSTEM FOR MAMMALIAN JOINT RESURFACING	I hereby certify that this correspondence is being:  [				
To:	Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Patents, Alexandria, VA 22313-1450 [ ] facsimile transmitted to the Patent and Trademark Office [ ] hand delivered to the Patent and Trademark Office on this 22 day of December, 2004  By Makey & Hoony				

# TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION

SIR:

The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever occurs last. 37 CFR 1.97(b).

Dated: 12/22/04 Matthew J.S. Graham

Registration No. 54,647
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Customer No. 022859

Respectfully submitted,

2868281

In Re Application of: Attorney Docket: 32355.12.1.3.2 Jeffrey C. Felt et al. Serial No.: 10/722,019 Group Art Unit: 3732 Filed: 24 November 2003 METHOD AND SYSTEM FOR For: I hereby certify that this correspondence is being: MAMMALIAN JOINT deposited with the United States Postal Service as first-class RESURFACING mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 [ ] facsimile transmitted to the Patent and Trademark To: Commissioner for Patents Office P.O. Box 1450 [ ] hand delivered to the Patent and Trademark Office Alexandria, VA 22313-1450 on this 22 day of December 2004

E UNITED STATES PATENT AND TRADEMARK OFFICE

### INFORMATION DISCLOSURE STATEMENT

SIR:

In accordance with the duty of disclosure, enclosed is a completed Form PTO-1449.

Consideration of each of the listed references by the Examiner is respectfully requested. Copies of the references listed thereon are all of record in Application No. 10/098,601, filed March 15, 2002, from which the present application derives priority under 35 USC § 120. In accordance with 37 CFR §1.98(d), applicant is not enclosing additional copies of these references. Further, in accordance with revised Rule 37 CFR §1.98, applicant is not enclosing copies of any U.S. patents or U.S. patent publications. Applicant also respectfully requests that an initialed copy of Form PTO-1449 indicating such consideration be returned with the next Official Action, as set forth in MPEP 609.

By submitting these references, applicant does not admit that the references are prior art to or material to this application, and reserves the right to establish that any reference is not prior art. Applicant does not represent that the references have been reviewed in detail; there may be details in the references of which applicant is unaware.

The Commissioner is hereby authorized to charge any additional filing fees required to Deposit Account No. 061910.

Respectfully submitted,

Matthew J.S. Graham Registration No. 54,647

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ATTY. DOCKET NO. SERIAL NO. 32355.12.1.3.2 10/722,019 NEORMATION DISCLOSURE CITATION APPLICANT se several sheets if necessary) Felt et al. **GROUP FILING** 24 November 2003 3732 TRADEMA **U.S. PATENT DOCUMENTS** DOCUMENT NUMBER DATE CLASS **SUBCLASS** FILING DATE **EXAMINER** NAME IF APPROPRIATE INITIAL 3,030,951 4/1962 Mandarino 606 60 4/1973 Averill et al. 3,728,742 3 1 6/1974 Deyerle 128 305 3,815,599 4/1978 Upshaw 623 20.21 4,081,866 4,203,444 5/1980 Bonnell et al. 604 22 4,456,745 6/1984 Rajan 528 85 4,463,141 7/1984 Robinson 525 467 4,477,604 10/1984 Oechsle, III 523 116 4,647,643 3/1987 Zdrahala 528 28 3/1987 Sanders 128 898 4,651,736 2/1988 Sanderson 523 115 4,722,948 4,743,632 5/1988 Marinovic et al. 523 118 FOREIGN PATENT DOCUMENTS TRANSLATION DATE COUNTRY CLASS SUBCLASS DOCUMENT NUMBER **PCT** WO 93/11723 6/1993 11/1995 **PCT** WO 95/30388 11/1995 **PCT** WO 95/31946 WO 95/31948 11/1995 **PCT** 7/1997 **PCT** WO 97/26847 OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) Andersson et al., "MacIntosh Arthroplasty in Rheumatoid Arthritis", Acta Orthop., 1974, 45:245-259. Cameron et al., "Review of a Failed Knee Replacement and Some Observations on the Design of a Knee Resurfacing Prosthesis", Archives of Orthopaedic and Traumatic Surgery, 1980, pp. 87-89. **DATE CONSIDERED EXAMINER** 

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	Potter et al., "Arthroplasty of the Knee in Rheumatoid Arthritis and Osteoarthritis", J. Bone and Joint Surgery, Vo. 54, No. 1, January 1972, pp. 1-24.						
		Potter, "Arthroplasty of the Knee with Tibial Metallic Implants of the McKeever and MacIntosh Design", Surgical Clinics of North America, No. 49, No. 4, August 1969, pp. 903-915.					
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	Sbarbaro, "Hemi-tibial plateau Belgica, Vol. 39., 1973, pp. 91		ars experience in 500 k	nee arthropla	asties", Acta Ort	hopaedica
	Schorn et al., "MacIntosh Arth 163.	roplasty in Rheun	natoid Arthritis", Rheur	matology and	d Rehabilitation	, 1978, 17:155-
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	Scott et al., "McKeever Metallic Hemiarthroplasty of the Knee in Unicompartmental Degenerative Arthritis", <i>J. Bone and Joint Surgery</i> , Vol. 67, No. 2., February 1985, pp. 203-212						
	Stauffer et al., "The MacIntosh I	Prosthesis", Ar	ch Su	rg., Vol. 110, June	1975, pp. 71	7-720.	
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	Swanson et al., "Unicompartmental and Bicompartmental Arthroplasty of the Knee with a Finned Metal Tibial-Plateau Implant", <i>J. Bone and Joint Surgery</i> , 1985, pp. 1175-1182.						
	Taylor et al., "MacIntosh arthroplasty in rheumatoid arthritis", "Proceedings and Reports of Universities, Colleges, Councils and Associations", J. Bone and Joint Surgery, Vol. 48, No. 1, February 1966, pp. 119-120.						
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	Wayne, "Use of the McIntosh I  J. Bone and Joint Surgery, Jun			the Knee", A	bstracts of 1971	Proceedings,
	Wordsworth et al., "MacIntosh Diseases, 1985, 44:738-741.	Wordsworth et al., "MacIntosh arthroplasty for the rheumatoid knee: 10-year follow up", Annals of the Rheumatic Diseases, 1985, 44:738-741.				
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